

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
JIM W. FANG
Assistant United States Attorney
501 Las Vegas Blvd. South, Ste. 1100
Las Vegas, Nevada 89101
Phone: 702-388-6336
Email: jim.fang@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:21-mj-00372-EJY

Plaintiff,

Stipulation to Continue the Preliminary Hearing (Seventh Request)

V.

MARIAN POENARU,

Defendant.

14 It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United
15 States Attorney, through Jim W. Fang, Assistant United States Attorney, and Michael V.
16 Castillo, Esq., counsel for Defendant Marian Poenaru, that the preliminary hearing in the
17 above-captioned matter for Barber, previously scheduled for December 6, 2021, at 4:00
18 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90
19 days from the current setting.

20 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the
21 defendant’s consent and upon a showing of good cause—taking into account the public
22 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
23 limits [for preliminary hearings] one or more times.” Here, the parties have agreed to a pre-

1 indictment plea and has submitted to the Court for its review and consideration. Additional
2 time is needed to allow the court to consider whether to accept the plea.

3 2. This continuance is not sought for the purposes of delay, but to allow the
4 court an opportunity to examine the merits of this case before deciding whether to accept
5 the parties' plea agreement.

6 3. Defendant is in custody and agrees to the continuance.

7 4. Denial of this request could result in a miscarriage of justice, and the ends of
8 justice served by granting this request outweigh the best interest of the public and the
9 defendants in a speedy trial.

10 5. The additional time requested by this stipulation is excludable in computing
11 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
12 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

13 DATED this 23rd day of November, 2021.

14 CHRISTOPHER CHIOU
15 Acting United States Attorney

16 s/Jim W. Fang
17 JIM W. FANG
18 Assistant United States Attorney
19 *Counsel for the United States*

20 s/ Michael V. Castillo
21 MICHAEL V. CASTILLO, ESQ.
22 *Counsel for Defendant Poenaru*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No. 2:21-mj-00372-EJY

MARIAN POENARU,

Defendant.

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. A plea agreement has been reached between the parties and has been submitted for the court's consideration. The Court finds good cause to continue the hearing to allow the court additional time to decide whether to accept the plea.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for December 6, 2021, at 4:00 p.m. be vacated and continued to February 4, 2022, at 4:00 p.m., in Courtroom 3D.

DATED this 24th day of November, 2021.

Elayna J. Youchah
HONORABLE ELAYNA J. YOUCRAH
UNITED STATES MAGISTRATE JUDGE